

REMARKS

Claims 1, 4 and 6 remain rejected under 35 U.S.C. §103(a) over Yoshida et al. (US 5,982,414) in view of www.stanford.edu/~dement/sleeplinks.html and Meier et al. (US 5,496,962 A). Reconsideration is requested on the basis that the prior art combination fails to provide a teaching or motivation commensurate in scope with the recitation found in claim 1 of “a visual stream incorporating patterns”.

Yoshida serves as a primary reference and with respect to the visual stream is cited for teaching “that patterned changing of colors (e.g. color blue and the absence of blue) along with sound help to include sleep (Col. 5, lines 18-30; Col. 7, lines 35-Col. 8, lines 60).” (Paper No. 20080428, section 2, paragraph spanning pages 2-3). Also with respect to claim 1, Yoshida is cited as deficient in that “Yoshida does not clearly disclose the web/internet link to information of sleep related research, sleep products and a sleep discussion chat room and a visual stream incorporating patterns and changing colors in concert with the sound.” (Paper No. 20081220, section 3, page 4).

To support inclusion of a web link to information of sleep related research, sleep products or a sleep discussion chat room, reference is made to the web link www.stanford.edu/~dement/sleeplinks.html as providing links to other sleep sites relating to research information, a chat room and product information with respect to sleep disorder issues. The basis being that “it would have been obvious to one ordinary skill in the art at the time the invention was made to modify Yoshida to have URL link ... for the benefit of providing users with additional information related to sleep disorder issues.” *Id.*

To support the proposition that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system disclosed by Yoshida to have the

visual stream also incorporate patterns and change colors in concert with the sound,” *id.* at 4-5, Meier is cited as teaching that the “visual stream incorporates patterns and changes color in concert with the sound (See col. 17 lines 21-43).” *Id.* at 4.

The Office Action also notes: “However, it is noted that Yoshida already discloses that patterned changing colors (e.g. color blue and absence of blue) along with sound help to induce sleep (Col. 5, lines 18-20; Col. 7, lines 35- Col. 8, lines 60).” *Id.* at 5.

It is respectfully submitted that the prior art combination fails to afford a teaching or motivation commensurate in scope with the pending claim 1 recitation of “**a visual stream incorporating patterns** and changing colors at the frequency of between 3 and 30 Hz and in concert with said sound.” (emphasis added). The alternating blue screen to blank screen of Yoshida lacks “patterns” as claimed and neither of the secondary references bolster this deficiency of Yoshida. Additionally, as already made of record, such patterns have a stimulative visual effect that is the antithesis of sleeping induction and as such, one of skill in the art would lack motivation to make such a modification to Yoshida.

On the basis of the above remarks, reconsideration and withdrawal of the rejection as to claim 1 and the claims that depend therefrom, namely claims 4 and 6, under 35 U.S.C. §103(a) over Yoshida in view of www.stanford.edu/~dement/sleeplinks.html and further in view of Meier is requested.

Summary

Claims 1, 4 and 6 remain pending in this application. Reconsideration and withdrawal of the rejection as to these claims and the passing of this application to allowance are requested. Should the Examiner have any suggestions as to how to improve the form of any of the pending

claims, he is respectfully requested to contact the undersigned attorney responsible for this application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 07-1180.

Dated: March 30, 2009

Respectfully submitted,

By: /Avery N. Goldstein, Ph.D./
Avery N. Goldstein, Ph.D.
Registration No.: 39,204
GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
2701 Troy Center Drive, Suite 330
Post Office Box 7021
Troy, Michigan 48007-7021
(248) 647-6000
(248) 647-5210 (Fax)
Attorney for Applicant